

Danielle Lang*
Jonathan Diaz*
Molly Danahy*
CAMPAIGN LEGAL CENTER
1101 14th St NW Suite 400
Washington, DC 20005
(202) 736-2200
dlang@campaignlegal.org
jdiaz@campaignlegal.org
mdanahy@campaignlegal.org

James E. Barton II, 023888
Jacqueline Mendez Soto, 022597
BARTON MENDEZ SOTO PLLC
401 W. Baseline Road, Suite 205
Tempe, Arizona 85283
480-550-5165
James@bartonmendezsoto.com
Jacqueline@bartonmendezsoto.com

Attorneys for Plaintiffs
**pro hac vice motions granted in related case 2:22-cv-00519-SRB*
± *pro hac vice granted in 2:17-cv-04102-DGC*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

League of United Latin American Citizens, et al.,

Case No. 2:17-cv-04102-DGC

Related Case: 2:22-cv-00519-SRB

MOTION TO TRANSFER RELATED CASE

Plaintiffs,

V

Katie Hobbs, in her official capacity as Secretary of State of Arizona, et al.,

Defendants.

1 Plaintiffs in *LUCHA v. Hobbs*, 2:22-cv-00519, Living United for Change in
2 America (“LUCHA”), League of United Latin American Citizens (“LULAC”), Arizona
3 Students’ Association (“ASA”), and ADRC Action¹ respectfully request that this Court
4 transfer 2:22-cv-00519-SRB to the Honorable Judge David G. Campbell under Local Rule
5 42.1 because it is a related case to this action, *LULAC v. Hobbs*,² 2:17-cv-04102-DGC.
6 The *LUCHA* Plaintiffs listed this action, 2:17-cv-04102-DGC, as a related case on their
7 civil cover sheet.

8 Under Local Rule 42.1, “when two or more cases are pending before different
9 Judges, a party in any of those cases may file a motion to transfer the case or cases to a
10 single Judge on the ground that the cases: (1) arise from substantially the same transaction
11 or event; (2) involve substantially the same parties or property; (3) involve the same patent,
12 trademark, or copyright; (4) call for determination of substantially the same questions of
13 law; or (5) for any other reason would entail substantial duplication of labor if heard by
14 different Judges.” In this case, several of these factors apply.

15 *First*, the cases involve the same parties. The Plaintiffs in *LUCHA v. Hobbs* include
16 both Plaintiffs in *LULAC v. Hobbs*. The Secretary of State is the named Defendant in both
17 actions.

18 _____
19 ¹ Arizona Students’ Association and LULAC-Arizona, the Arizona subsidiary of LULAC,
20 were plaintiffs in this action, 2:17-cv-04102. ASA and LULAC are also plaintiffs in the
newly filed related case, 2:22-cv-00519. Plaintiffs are represented by Campaign Legal
Center, including the same lead attorney, Danielle M. Lang, in both cases.

21 ² The original action named then Secretary of State Michelle Reagan as a Defendant in her
official capacity. Katie Hobbs is now the Arizona Secretary of State, and thus is
automatically substituted as a party. Fed. R. Civ. P. 25.

1 *Second*, both cases directly relate to Arizona’s implementation of its documentary
 2 proof of citizenship requirement for voter registration.³ Indeed, some of the claims in both
 3 cases are identical. *Compare* Doc. 1, Compl. ¶¶ 163-180, 188-194, *LUCHA v. Hobbs*,
 4 2:22-cv-00519-SRB (D. Ariz. Mar. 31, 2022) (alleging 1st and 14th Amendment violations
 5 because the challenged law “conditions the right to register and to vote on what type of
 6 registration form—the State Form or the Federal Form—an eligible voter happens to use”);
 7 and Doc. 1, Compl. ¶¶ 77-88 (D. Ariz. Nov. 7, 2017) (alleging 1st and 14th Amendment
 8 violations because “current procedures for Arizona’s dual registration system arbitrarily
 9 distinguish between Federal Form and State Form applicants and unjustifiably result in the
 10 disenfranchisement of eligible Arizona voters in both state and federal elections”).

11 *Third*, the newly challenged law, HB 2492, explicitly rolls back the consent decree
 12 entered by this Court in *LULAC v. Hobbs*. Thus HB 2492 requires the Secretary of State to
 13

14 ³ A separate challenge to HB 2492, including its documentary proof of citizenship
 15 component, has also been filed in this district. *See Mi Familia Vota v. Hobbs*, No. 2:22-cv-
 16 00509-SMB (D. Ariz.). One of the defendants in that matter, Attorney General Brnovich,
 17 has moved to transfer the case to Judge Dominic W. Lanza based on its alleged relation to
 18 *Mi Familia Vota v. Hobbs*, No. 2:21-cv-01423 (*Mi Familia Vota I*). *See* Doc. 529, Mot. to
 19 Transfer, *Mi Familia Vota v. Hobbs*, No. 2:21-cv-01423 (D. Ariz. Mar. 31, 2022). *Mi*
 20 *Familia Vota I* involves a challenge to Arizona’s procedures for purging voters from
 21 permanent early voting list if they fail to cast a mail-ballot in two consecutive elections,
 and requiring voters who fail to sign an early ballot to cure those ballots by 7:00 p.m. on
 election day. *See* Compl. ¶ 1, ECF 1, *Mi Familia Vota v. Hobbs*, No. 2:21-cv-01423 (D.
 Ariz. Aug. 17, 2021). Although the *LUCHA* Complaint alleges that the denial of the right
 to vote by mail to voters is one of many unconstitutional burdens imposed on eligible
 Arizona voters who lack documentary proof of citizenship, *see* Compl. ¶ 163-180, ECF 1,
LUCHA v. Hobbs, 2:22-cv-00519-SRB (D. Ariz. Mar. 31, 2022), its claims do not arise
 from the same transaction as the *Mi Familia Vota I* claims, nor do they share any legal or
 factual questions with the mail-voting claims in *Mi Familia Vota I*, other than that both
 actions involve challenges to election laws.

1 violate the consent decree. As the parties explained in their new complaint, *LUCHA v.*

2 *Hobbs*:

3 75. In 2018, LULAC and ASA sued the Secretary of State
4 in *LULAC v. Regan*, No. 2:17-cv-04102-DGC (D. Ariz.),
alleging that the dual-registration system violated the NVRA
and the United States Constitution.

5 76. The *LULAC* parties reached a consent decree in which
6 the Secretary of State agreed not to condition voter registration
7 based on the arbitrary distinction of whether a voter used the
State Form or the Federal Form to apply for voter registration.

8 77. The *LULAC v. Reagan* consent decree established, in
9 relevant part, that Arizona would (a) register eligible applicants
10 whose registration was not accompanied by documentary proof
11 of citizenship and whose citizenship could not be verified
12 through the Motor Vehicle Division to the Federal-Only Voter
List and (b) provide a ballot to vote in all available federal
13 elections to all registered voters on the Federal-Only Voter
List. *See* Consent Decree, *LULAC v. Reagan*, No. 2:17-cv-
04102-DGC, ECF No. 37 (D. Ariz. June 18, 2018). The
Secretary codified the consent decree framework in the
Arizona Elections Procedures Manual.

14 79. HB 2492 abrogates the consent decree and reinstates the
15 prior arbitrary system under which voter registration is
16 conditioned on whether a voter submits the State Form or
Federal Form.

17 80. Under HB 2492, if an eligible voter provides DPOC at
18 the time of registration applies using a State Form or Federal
Form, they can vote in all available local, state, and federal
19 elections.

20 81. If an eligible voter without DPOC submits the Federal
Form, the voter will be registered to vote only in certain federal
21 elections, as described below.

82. But if that same voter applies using the State Form and does not provide DPOC, HB 2492 instructs that their registration be rejected outright.

83. This arbitrary distinction based on paperwork is unconstitutional and requires the Secretary to violate a federal consent decree.

Doc. 1, Compl. ¶¶ 75-83, *LUCHA v. Hobbs*, 2:22-cv-00519-SRB.

Given that the current challenge involves the same parties, directly raises the same claims raised in *LULAC*, and necessarily requires consideration of the underlying consent decree in *LULAC*, the factors outlined in Rule 42.1 strongly favor a transfer.

RESPECTFULLY SUBMITTED this 5th day of April, 2022.

BARTON MENDEZ SOTO PLLC
James E. Barton II
Jacqueline Mendez Soto

CAMPAIGN LEGAL CENTER

/s/ Danielle Lang
Danielle Lang
Jonathan Diaz
Molly Danahy

CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2022, I caused the foregoing document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

/s/ Danielle Lang
Danielle Lang